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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 March 2000, at 6 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-15218 (E)

The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130, 139, 141 and 142; E/CN.4/2000/NGO/8, 19, 26, 36, 38, 44, 72-75, 86, 89, 96, 101, 103, 112, 117, 124 and 129-137; A/54/660, A/54/726-S/2000/59 and A/54/727-S/2000/65; S/2000/137)

1. The CHAIRMAN suggested that, as a number of delegations wished to speak in exercise of the right of reply, they should be heard before the general discussion of agenda item 9 was resumed.

2. It was so agreed.

3. Mrs. ABOULNAGA (Observer for Egypt) said that the allegation made at the 17th meeting by the representative of Freedom House that Egyptian Copts had been tortured in Al-Kosheh village in 1998 was entirely untrue. It had been rebutted by the Patriarch of the Orthodox Church in Egypt, who had referred to the event as a common crime having no links with the issue of national unity and had characterized relations between Moslems, Christians and Copts in Egypt as extremely good. The regrettable outbreak of violence in Al-Kosheh in 1998 had had nothing to do with religion. A dispute between a buyer and a seller had unfortunately got out of hand. Immediate action had been taken by the Prosecutor's Office and the people indicted included no religious figures or members of any political group. The Committee against Torture had also reached favourable conclusions after discussing the third periodic report of Egypt in May 1999 and had referred to a reduction in the number of complaints and maltreatment, the creation of a human rights office in the public prosecutor's department to investigate complaints of torture and the compensation awarded to torture victims by the Egyptian civil courts. The new Egyptian law on NGOs, far from restricting their activities, marked considerable progress in assuring their rights and freedoms.

4. Mr. SOMOL (Czech Republic), replying to the statement by the Foreign Minister of Cuba, said that, at the preceding session of the Commission, his delegation had explained the reasons for the initiatives it had taken and had again spoken out on behalf of all Cubans struggling for respect for human rights and individual dignity. Czechs, remembering their own experience under communism, were particularly conscious of the need for solidarity with those not in a position to defend themselves. The Czech Deputy Minister for Foreign Affairs, calumniously described as touring the world and retailing anti-Cuban propaganda, was a former spokesman of Charter 77 and a well-known defender of human rights in his own country. It was not the first time that he had been represented by the propagandists of totalitarian regimes as an agent of somebody else. The Czech Republic was ready to enter into a sincere dialogue with anyone on human rights issues: the Deputy Minister for Foreign Affairs had expressed his willingness to go to Havana, but his request had been refused for unspecified reasons.

5. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that the allegations made by the United States representative at the 18th meeting were stale and baseless. They were particularly offensive coming from the representative of a country that set itself up to condemn others when it itself had an appalling human rights record: a large number of criminals and unemployed and poverty-stricken people and endemic discrimination against immigrants and members of other races, including the murder of African Americans. Such behaviour was a flagrant example of politicization and selectivity in the field of human rights.

6. Mr. HUSSAIN (Observer for Iraq), replying to the statement by the representative of Kuwait, said that Kuwait had for nine years taken economic advantage of the embargo imposed by the United States and the United Kingdom, which had prevented Iraq from investing in and working its oil reserves on its border with Kuwait. As to the Kuwaiti complaint about missing or disappeared persons, a tripartite committee of inquiry had been established by Iraq, which actively participated in its work and cooperated in the tracing of files. Visits to the country had also been made in the preceding month by the International Committee of the Red Cross and Iraq, which itself had lost 1,700 people, was ready to continue to work with all the parties concerned.

7. Meanwhile, the United States and the United Kingdom continued day after day to bomb Iraq with Kuwaiti assistance and his Government reserved the right to seek compensation for the damage inflicted and for the losses incurred as a result of the embargo.

8. Mr. MORENO FERNANDEZ (Cuba) said that the statement by the United States Secretary of State contained nothing new - just the old simplistic view of a world divided into good and bad in which the United States had set itself up as supreme judge of the conduct of other nations. The Secretary of State had spoken of democracy and human rights, of which people like Patrick Dorisman, Abner Louima and Amadou Diallo had never had any experience, since they had been brutally murdered. Their only crime was to be black in a country which was racist through and through and in which 2 million people were behind prison bars, 50 per cent of them African Americans, a group that represented only 12 per cent of the population.

9. Having dealt with the metropolis, he wished to say a few words about the colony - the Czech Republic, which was once more expressing its concern over human rights. It appeared to be a nation with an innate propensity to be a satellite, merely changing its orbit as the wind blew. The Czech representative would find it hard to convince anyone who did not lack intelligence or fail to read the papers that he was speaking with his own voice. Little could be expected from a delegation that favoured the United States Secretary of State as its future President. The Czechs would be better employed in solving the problems of their own country, especially the Roma. The Czech Republic and its mentors, who were none other than the United States, should be aware that Cuba knew who the true aggressors were and would continue to defend itself against them.

10. Ms. SIM (United States of America) said that the customary limits of civility, logic and accuracy had been exceeded by the Minister for Foreign Affairs of Cuba and subsequently his delegation in their polemical statements. She hoped that other delegations would join in rejecting the Cuban approach and in working to broaden a universal commitment to human rights and fundamental freedoms. As the United States Secretary of State had said in addressing

the Commission, no nation should feel itself threatened by the Commission's work. Its task was to support the rights of people everywhere to control their own destinies. The standards being applied were universal in nature and deserved the support of all Governments.

11. Mr. RAZZOOQI (Observer for Kuwait), replying to the statement by the representative of Iraq, said that the regime in power in that country was one of the most oppressive and corrupt. As a former Special Rapporteur had pointed out, Iraq remained the country with the highest number of disappearances reported to the Working Group on Enforced or Involuntary Disappearances established by the Commission on Human Rights. As for cooperation with the tripartite commission, he drew attention to a note verbale from the Iraqi Government to the International Committee of the Red Cross stating the Government's refusal to cooperate with that commission. He could promise the representative of Iraq that Kuwait would never abandon its own nationals and those of third countries still held by Iraq as prisoners of war.

12. Mr. Al-MADI (Observer for Saudi Arabia) said that his delegation utterly rejected the statement by the United States representative regarding the situation of women in Saudi Arabia. Like all Moslem countries, Saudi Arabia based its policies on principles in which over 1 billion persons believed. It guaranteed the freedom of women without discrimination and their situation, which was fully compatible with the country's history and tradition, was in a number of respects better than that of women in western countries.

13. Mr. BHATTACHARJEE (India) said that his delegation regretted the unwarranted reference to part of India in the statement made by the representative of Pakistan on behalf of the Organization of the Islamic Conference (OIC). That organization had no *locus standi* to speak about the internal affairs of India. India was in fact home to the second largest Muslim population in the world and it enjoyed traditional ties of friendship and cooperation with the member States of OIC. India's pluralistic society, its constitutional provisions and its history of tolerance gave ample scope to all citizens of whatever religious denomination to live in peace and harmony. It was regrettable that OIC should have allowed itself to be used by a particular country which harboured compulsive hostility and territorial ambitions against India to proclaim opinions not independently shared by the majority of OIC States.

14. Ms. HOANG BICH LIEN (Observer for Viet Nam) said that the allegation by the representative of the World Evangelic Fellowship concerning religious freedom in Viet Nam was groundless. The right to freedom of belief and religion was clearly proclaimed in article 70 of the Constitution and all religions were equal before the law. Places of worship were protected by law and normal religious practices were completely free, as any visitor to Viet Nam could attest. The number of those practising religion had in fact increased over the past 20 years, Christians by nearly twice, up to 5 million, accounting for 7 per cent of the total population, and there were over 15 million Buddhists.

15. Mr. MORENO FERNANDEZ (Cuba), referring to the United States representative's comment that the Minister for Foreign Affairs of Cuba's statement had exceeded the rules of civility, logic and accuracy, said that those were rules that should apply to all speakers. The rules and principles defended by his country were truth, honesty and authenticity; those followed by the United States were based on double standards.

16. Mr. HUSSAIN (Observer for Iraq), speaking in exercise of the right of reply, said that he would be more polite than the representative of Kuwait. Iraq had frequently stated its willingness to cooperate with the International Committee of the Red Cross with regard to missing persons of Iraqi and other nationalities. It was inevitable that, after any war, particularly one involving massive air attacks like those launched against his country, there should be missing persons on all sides. Kuwait had placed its territory and its air space at the disposal of the United States and the United Kingdom to facilitate the bombing of Iraq and Kuwait was responsible for the blockade which prevented Iraq from exploiting the oil of the border region.

17. Mr. LIU Xinsheng (China) said that some delegations had made unwarranted criticisms of the human rights situation in his country. In 1999, the human rights situation in China had shown unprecedented progress, as had been acknowledged by the international community. The Chinese believed that facts spoke louder than words and, in the light of those hard facts, any move to submit an anti-China resolution was doomed to failure.

18. Mr. AKRAM (Pakistan) said that, when the representative of India had mentioned an OIC reference to part of India, he presumably had had in mind Jammu and Kashmir, which was in fact a territory under dispute and was recognized as such by the United Nations. The only claim that India had to possession of that territory was the 700,000 troops stationed in it to hold its Muslim people in bondage. The representative of India had also said that his own was the country with the second largest Muslim population, a statement whose accuracy was doubtful. The BJP at present in power in India believed in the superiority of the Hindu Aryan race and were admirers of the Nazis. They had decided as early as 1964 that Muslims were their principal enemy, with Christians coming a close second. Such people could hardly speak with pride of having a Muslim population when that population was in bondage. It was the hope of his Government that the world would do something for the Muslims of India, but in particular for the people of Jammu and Kashmir.

19. Ms. SIM (United States of America) said that she regretted the confrontational tone taken by the Chinese delegation. The United States did not regard Chinese efforts to improve their human rights situation as harmful to others or as entailing a fight to the finish. The United States applied an international human rights standard, as should all countries, whether developed or developing, democratic or non-democratic. The mistaken attempt by any country to evade human rights scrutiny by advancing a so-called no-action motion would merely damage the effective operation of the Commission.

20. The United States did not seek to be a world judge in the realm of human rights, but believed that the Commission had an obligation to serve that function. The Chinese delegation sought to compare the United States treatment of the Branch Davidian cult with the Chinese treatment of Falun Gong but, whatever one's view of the tragic events in Waco, the fact remained that the Branch Davidians were at present free to express and practise their beliefs as long as they did not promote violence, whereas, in China, Falun Gong had been outlawed. The forthcoming presidential election in the United States had no bearing on her delegation's views of the human rights situation in other countries. Her country's concern with human rights issues was constant and permanent.

21. Mr. RAZZOOQI (Observer for Kuwait) said that the claim by the representative of Iraq that his country was threatened by Kuwait was a gross distortion of history. It was not Kuwait that had launched a war, but Iraq. The representative could manipulate facts as much as he liked in Baghdad, but, in the Commission, it was hard facts that counted, one of which was that Kuwait would never cease its pressure to achieve the release of the 600 or more Kuwaiti prisoners of war held by Iraq, which, as a party to the Geneva Conventions of 1949, should respect its obligations.

22. Mr. LIU Xinsheng (China), replying to comments made by the United States representative, said that the United States, while constantly professing its commitment to the Commission's objectives, had in fact been following an entirely contrary course. Disregarding the notorious problems of racism, discrimination against black people, police brutality and other serious human rights violations that were rife in that country, its delegation had made a series of unwarranted accusations against other countries. That hegemonist approach, which should be firmly rejected by the international community, had found expression in an anti-China draft resolution submitted by the United States delegation at the preceding meeting. Such a gross manifestation of cold war attitudes and double standards was designed to politicize human rights issues. His delegation had already made the point that, if the United States for its part persisted in employing confrontational tactics, it would be met by a similar approach from China. The only way out of that regrettable situation was for the United States to abandon confrontation, which was harmful both to others and to itself.

23. Mr. MERIC (Observer for Turkey), replying to the statement by the European Union, said that respect for the supremacy of law, a pluralistic democracy and human rights were among the values that Turkey shared with the European Union countries. Anyone who remembered the spiral of terror unleashed upon Turkey over the two preceding decades should, however, understand the causes of any deficiencies there might be in that area. Turkey set a unique example of a State launching a programme to improve human rights and protect the fundamental principles of democracy while at the same time fighting against terrorism that threatened those fundamental principles. It was particularly disturbing to hear unfair criticism expressed while consultations were actively proceeding between the European Union and Turkey with a view to encouraging Turkey's efforts to comply with the Copenhagen criteria.

24. Mr. MENDIS (Sri Lanka), replying to comments made by the representative of International Education Development at the 17th meeting, said that the highly reprehensible killing of a prominent Sri Lankan lawyer had been used, on the basis of a simple typographical error in a letter, as grounds for wild allegations against his country and its elected President. Sri Lanka was a party to the International Covenant on Civil and Political Rights and its Optional Protocol and challenged that organization or the group it represented to lodge a complaint under the agreed procedure and face judicial scrutiny. The same organization had circulated a document in 1997, having fraudulently obtained the signatures of several unsuspecting organizations, in support of a terrorist group responsible for killing the well-known human rights defender, Dr. Neelan Thiiuchelvan, a murder condemned by the Sub-Commission on the Promotion and Protection of Human Rights. The group had been condemned by the European Union at the Commission's 17th meeting for terrorist acts and the use of child soldiers. His delegation nevertheless recognized the valuable work and welcomed the constructive criticism of responsible NGOs, with which it would continue to cooperate.

25. Mr. ABEBE (Observer for Ethiopia) said that his delegation had been disappointed by the European Union statement, which treated the aggressor Eritrean regime and Ethiopia, its victim, on an equal footing. The European Union should continue to support the efforts of the Organization for African Unity to resolve the crisis triggered by Eritrean aggression, including its Peace Plan, which called on Eritrea to withdraw from all territories occupied by force since 6 May 1998.

26. The difficult decision of asking some Eritrean nationals involved in illegal activities to leave the country had been imposed on the Ethiopian Government by Eritrean attempts to organize them against Ethiopia.

27. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission agreed to the request by the representative of the International Labour Organization for permission to make a short supplementary statement prompted by the reference by the representative of Myanmar to the ILO Convention on Forced Labour.

28. It was so agreed.

29. Mr. KERN (International Labour Organization), referring to the statement by the representative of Myanmar concerning the observance by his country of the ILO Forced Labour Convention, 1930 (No. 29), said that, on 28 March 2000, the ILO Governing Body had adopted, a resolution (GB.277/6 (Add.1)), noting that the Government of Myanmar had not so far complied with the recommendations of the Commission of Inquiry established to examine the observance of the Convention, "despite the disapproval that the gravity of the Government's failure to act must inspire ... and the imperative need to put an end to that situation by any appropriate means as soon as possible". The resolution went on to recommend to the International Labour Conference, meeting at its eighty-eighth session (May-June 2000), that it should adopt measures that might include inviting the Director-General to request the Economic and Social Council to place an item on the agenda of its July 2000 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry.

30. Mr. HYNES (Canada) said that, in order to fulfil its human rights mandate, the United Nations was increasingly focusing on preventive measures, but effective prevention and protection could ultimately be achieved only when Governments ceased ignoring international standards, a goal which was far from being achieved. In Myanmar, although the International Committee of the Red Cross had been allowed access to prisoners, dialogue with the democracy movement and minority groups continued to be rejected. In Iraq, widespread human rights abuses persisted and Canada hoped that dialogue and cooperation could be established with the Commission's new Special Rapporteur. In the Democratic People's Republic of Korea, people continued to be denied their economic, social and cultural rights and it was to be hoped that cooperation with the international community in the distribution of humanitarian aid would lead to broader change in Government policy.

31. With regard to the situation in Chechnya, while Russia had an unquestionable right to combat terrorism, there was ample evidence of human rights abuses on both sides of the conflict and the report on the forthcoming visit by the High-Commissioner for Human Rights to the

region must be anxiously awaited. Canada actively supported the Igad peace process in Sudan, which offered the prospect of an end to the indiscriminate bombing campaign and the flouting of humanitarian law by Government forces. Despite some improvements in the access of women and girls in Afghanistan to education and medical care, the denial of their most basic rights remained endemic. In the Great Lakes region of Africa, gross violations of human rights were an everyday occurrence. Canada condemned the attacks on United Nations humanitarian staff and civilians in the Democratic Republic of the Congo and the Government of Burundi's regroupment camps. In Sri Lanka, both the Government and the LTTE continued to violate human rights and Canada was concerned that violations by the security forces were still benefiting from apparent impunity. Despite the deteriorating situation in Colombia, the Government's efforts to reach a negotiated settlement were to be applauded.

32. Full cooperation by the Belgrade authorities with the International Tribunal was essential if the dismal human rights situation in the Federal Republic of Yugoslavia was to be redressed. In Kosovo, no enduring peace could be achieved until all inhabitants, regardless of ethnicity, enjoyed security and access to humanitarian assistance and essential public services. Six months after the military coup in Pakistan, there had been little evidence of action to fulfil the stated commitments to human rights and reform. The number of human rights violations in Sierra Leone had diminished since the deployment of UNAMSIL, whose human rights section deserved commendation. While the results of the February elections in Iran had held out hopes for progress on human rights, continuing discrimination, including death sentences, against Baha'is and the arrest of some Iranian Jews gave grounds for concern. Much more progress was also required on women's rights. Canada applauded the cooperation of the people of East Timor with the United Nations Transitional Administration. While welcoming the new Indonesian Government's pledge to prosecute those responsible for past violations in Aceh and East Timor, Canada was deeply concerned by the continuing violence in Aceh and Malaku and about the plight of 600,000 internally displaced persons. It encouraged Haiti to use the new United Nations International Civilian Support Mission in Haiti and all other tools at its disposal to deal with human rights abuses, impunity, prison conditions and justice reform. The Haitian authorities should set an electoral calendar so that legislative and local elections might take place well before the presidential elections scheduled for the end of 2000.

33. China was continuing its economic reforms and legal modernization, but there had been a marked upturn in violations of human rights, including of religious freedom in Tibet. His Government urged China to pursue genuine reform in all those areas, including through the ratification and implementation of the International Covenants it had recently signed to widespread acclaim. In Cuba, there had been no significant progress on human rights and the people of that country surely deserved the freedom of political expression of which its representatives in the United Nations took such effective advantage.

34. Mr. MAMBA (Swaziland) said that his delegation reiterated its appreciation for the work done by the Special Rapporteurs and Special Representatives in investigating alleged human rights violations. In its important task of promoting and encouraging respect for human rights, the Commission must seek to create an environment favouring dialogue rather than confrontation. Better results could be achieved by adhering to the principles of universality,

objectivity and non-selectivity and avoiding the politicization of issues. Assistance in the human rights field, as in other fields, should be given at the request of the country concerned and not imposed.

35. Swaziland was fortunate in enjoying a culture and tradition of peace and stability. It was a nation with a small population, undivided by ethnicity and language and what internal differences there were could be resolved on a basis of open dialogue and mutual tolerance. It believed that, to be sustainable, a political system had to be consonant with the history, traditions and level of cultural and economic development attained. An example of the broad consultations that took place before the adoption of political and economic policies in his country was afforded by the current process of constitutional review and by the formulation of a national development strategy that had preceded it. His country was not complacent and acknowledged that there were still areas in which there was room for further improvements. It believed that sovereign States should be allowed to determine their internal political mechanisms with respect for the principles of accountability, transparency and popular participation and to set their own pace of socio-political development.

36. Mr. PALIHAKKARA (Sri Lanka) said that Sri Lanka had continued to discharge its commitments as a party to 14 international human rights instruments, including the Optional Protocol to the International Covenant on Civil and Political Rights, under which it would soon be commencing a dialogue with the Human Rights Committee. There had been free interaction between all sections of Sri Lankan society and the Working Group on Enforced or Involuntary Disappearances, which had had unrestricted access to all parts of the country during its visit in late 1999. The Group's report recognized that, while there were residual problems, alleged offenders had been prosecuted and substantiated allegations of disappearances had virtually ceased. A human rights treaty body would be invited to visit Sri Lanka in the course of the current year and his Government would be submitting its periodic reports to the relevant bodies.

37. The Sri Lankan National Human Rights Commission had been reconstituted after three years of operation and planned to expand and intensify its work, aided by an increased budgetary allocation. It continued to promote networking arrangements with similar institutions at the sub-regional and regional levels and had hosted an important meeting of the Asia/Pacific Forum in Kandy, to the success of which Sri Lankan NGOs and the substantive and administrative support of the Office of the High Commissioner for Human Rights had made a valuable contribution.

38. Information had been made available to the participants in the Commission's current session about the Government's efforts to prosecute identified human rights offenders and humanitarian assistance for people in areas affected by terrorism, although a substantial part of the free food supply was unfortunately being siphoned off by the LTTE.

39. The Government continued its efforts to find a political solution to the ethnic issues in Sri Lanka in the face of the continued indiscriminate terror of the LTTE, which was the only Tamil group that had remained outside the democratic political process. The Government hoped that a consensus on constitutional forms, providing for an unprecedented devolution of power, would shortly be available as a framework for the negotiation of a political solution. In that connection, the international community had a vital role to play by giving practical effect to the

International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly in 1999. The Sri Lankan electorate had recently reaffirmed its support for the Government's policy of achieving a negotiated peace and terrorism, however ruthless, should not be allowed to reverse that process.

40. Mr. JAKUBOWSKI (Poland) said that the international community had made significant progress in the past few decades in promoting human rights. The community of democratic States at present constituted a majority in the international family of nations, as many countries, including his own, had liberated themselves from various forms of undemocratic and totalitarian rule. And under the auspices of the United Nations and many regional organizations, an impressive body of human rights standards had been established and accepted by a clear majority of States.

41. On the other hand, internationally recognized obligations were still far from fully implemented, and that pointed to the urgent need for the effective functioning of human rights mechanisms, substantial progress towards which could be achieved by dialogue, cooperation and technical assistance. Meanwhile, the international community had the duty to act firmly to stop gross violations of human rights . Although its history made it particularly sensitive on the question of sovereignty, his country was in full agreement with the Secretary-General's view that no State had the right to hide violations of human rights behind the principle of State sovereignty. Poland also shared the view of the United Nations High Commissioner for Human Rights that the capacity for conflict prevention should be developed.

42. Mrs. NASCIMBENE DE DUMONT (Argentina) said that the solution of the Cyprus problem must be based on respect for the sovereignty, independence and integrity of its territory through the establishment of a federation ensuring the political equality of both communities and excluding any possibility of union, whether general or partial, with any State and any form of partition or secession, as recommended by Security Council resolutions. The high level of military presence and sophisticated weaponry and the lack of progress in reducing the number of foreign troops were complicating political negotiations.

43. The Secretary-General's good offices mission and the humanitarian work being carried out by UNFICYP, in which Argentina had been participating since 1993, were making valuable contributions by relieving tension and establishing contacts between the parties.

44. Her delegation noted the reactivation of the Committee on Disappeared Persons and emphasized once again how important it was to clarify their fate as soon as possible.

45. The Commission should call once more for full restoration of all human rights in Cyprus, especially freedom of movement, free choice of residence and property rights.

46. Mr. TEKLE (Observer for Eritrea) said that his delegation wished to draw the Commission's attention to the plight of Eritreans and Ethiopians of Eritrean origin whose human rights were being systematically and brutally violated by the Ethiopian Government. That had been possible only because the relevant United Nations mechanisms, including the Commission, had preferred to remain silent, except on one occasion, in the face of those blatant violations. Ethiopia had expelled some 70,000 Eritreans who posed no threat to its security and had

conducted a programme of denationalization and ethnic cleansing on the spurious grounds that its victims had chosen to forfeit their Ethiopian citizenship by carrying cards certifying their Eritrean parentage. The deplorable conditions of deportation had been vividly attested, for example, in the 1999 reports of Amnesty International and Human Rights Watch, as well as in the United States Department of State report of 25 February 2000. The counter charges of violations of the human rights of Ethiopians resident in Eritrea had been refuted by the same reports. It was particularly outrageous that Ethiopia did not deny its actions against Eritreans, merely claiming the absolute right to deport any aliens incurring its disfavour.

47. Mr. OGURTSOV (Observer for Belarus) said that his country was actively participating in the task of uniting the efforts of all States in overcoming the underlying causes of failure to respect human rights, such as hunger, poverty, social insecurity and armed conflicts. Belarus was opposed to the politicization of human rights questions and its approach to them was based on respect for the sovereignty and territorial integrity of States and the rejection of selectivity and double standards. It believed that the Commission should focus attention not only on the evaluation of situations, but on the provision of concrete assistance in the constructive search for solutions and the adoption of preventive measures.

48. A national programme of activities for the protection of the rights and freedoms of citizens in a civil society was currently being drawn up in Belarus and a national plan for the expansion of human rights education for the period 1999-2004 had been adopted. The new Penal Code and Code of Criminal Procedure adopted in 1999 strengthened the independence of the courts and new legislation in that field took account of the experience and standards of the United Nations and European regional organizations. The firm resolve of Belarus to build an open, democratic society was reflected in the action programme outlined by its delegation to the fifty-first session of the Sub-Commission. Work was also proceeding on the completion of internal procedures for the withdrawal of a reservation to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. An official invitation had also been issued to the Special Rapporteur on the independence of the judiciary and defence to visit the country in June 2000.

49. The President of Belarus had affirmed the Government's resolve to ensure that the parliamentary elections in the coming autumn were conducted in complete accord with international standards, as embodied in a new electoral code drafted in close cooperation with the Organization for Security and Cooperation in Europe and the Council of Europe. Political parties in Belarus were given facilities to present their policies to the electorate through both private and State media. There were currently a large number of periodicals published throughout the country including those established by political parties.

50. Mr. NASR (Observer for Lebanon) said that, despite Security Council resolution 425 (1978), grave violations of human rights were still being committed by Israel in southern Lebanon and the Bihar valley. Repeated bombing raids and a maritime blockade were destroying the infrastructure of the region and inflicting grave hardship on children and elderly people. The Israeli claim that its occupation and military action were directed against Lebanese forces was without foundation. The resistance offered to Israeli troops was a consequence of the occupation of Lebanese territory and in accordance with the internationally recognized right of resistance. Only if Israel applied Security Council resolution 425 (1978) could a just and lasting

peace be achieved. Currently, however, when Israeli officials spoke of a withdrawal from the occupied areas, they did not refer to a withdrawal to international boundaries and seemed rather to be merely referring to a redeployment of Israeli forces. The detention camps maintained by Israel, in which detainees were deprived of health services and suffered from malnutrition and torture, were an insult to mankind at the outset of the twenty-first century. Israel's indifference to the strictures of the international community called for the application of pressure to obtain the release of all Lebanese prisoners, many of whom were being held, against all international principles, as bargaining chips in negotiations.

51. Mr. EFTYCHIOU (Observer for Cyprus) said that the disturbing gap between the signing of conventions by States and the respect they showed for the obligations they had freely undertaken, was only too evident with regard to the question of human rights in Cyprus, which had been before the Commission for 25 years. Thirteen years after the adoption of resolution 1987/50 calling for the full restoration of all human rights to the population of Cyprus, in particular the refugees; for the tracing of missing persons; and for the restoration of freedom of movement, settlement and the right to property and 26 years after the Turkish invasion of Cyprus, no progress had been achieved. The Secretary-General's efforts to find a just and viable solution had not so far proved successful, owing in the words of one of the Secretary-General's reports, to "a lack of political will on the Turkish side". Turkey continued to maintain 35,000 fully armed troops in the occupied territory; not one of the 200,000 persons forcibly displaced in 1974 had been permitted to return, the distress of the families of the missing persisted; and the destruction of Cyprus' cultural heritage - with the exception of the Apostolos Andreas monastery - continued unabated; and, although the original Turkish Cypriot community had shrunk from approximately 120,000 to 60,000, Turkey had, in contravention of the Fourth Geneva Convention, implanted more than 100,000 of its own citizens as colonists.

52. All those violations were continuing despite the peremptory norms of international law and in contravention of numerous United Nations resolutions, all emanating from organizations of which Turkey was a member and a Convention to which it was a party. Turkey must abandon its intransigence and cooperate constructively in efforts to achieve a final solution on the basis of United Nations resolutions and in line with existing high-level agreements between the two sides, providing for a bicommunal and bizonal federation with a single sovereignty and international personality and a single citizenship with its independence and territorial integrity safeguarded.

53. Mr. FARRELL (Observer for New Zealand) said that, although there had been an encouraging extension of respect for human rights and democracy across the globe, practice still fell shockingly short of rhetoric.

54. There had been significant progress towards the securing of human rights in East Timor since the deployment in 1999 of an international peacekeeping force and efforts were being made by Indonesia and the United Nations Transitional Administration in East Timor to bring to justice those responsible for past violations. Armed militia actions in West and East Timor, however, and reports of Indonesian military involvement in them were still matters of concern. The remaining refugees wishing to return to East Timor should be allowed to do so promptly, and those residing in camps on the West Timor border resettled either in East Timor or in Indonesia.

55. While Russia's need to combat terrorism was understandable, there had been a disproportionate use of force in the military campaign and reports of serious violations of human abuses in Chechnya. He joined with other members of the international community in urging Russia to investigate all alleged violations in cooperation with international representatives and welcomed Russia's agreement to allow access to Chechnya by the United Nations High Commissioner for Human Rights and representatives from the Organization for Security and Cooperation in Europe and the Council of Europe.

56. His Government recognized China's continuing efforts to promote economic, social and cultural rights, but was concerned about continued violations of basic international standards in a number of areas, including freedom of association and expression. China should be encouraged to ratify the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. With regard to Tibet, his delegation urged China to enter into dialogue with the Dalai Lama and consider ways in which the Tibetan people might be able to express their identity more fully.

57. In Iraq, there was disturbing evidence of continuing, systematic violations of human rights, including summary and extrajudicial executions, the oppression of minority Kurds and the violation of the rights of children. His delegation also deplored the Government's refusal to allow the Special Rapporteur access and to accede to requests by United Nations agencies for the admission of human rights monitors. New Zealand welcomed efforts to improve the effectiveness of the Oil-for-Food Programme and supported the streamlining of sanction procedures to facilitate the flow of goods into Iraq. Sanctions should not impose undue hardships on the civilian population, but should target the Iraqi Government with the aim of eliminating weapons of mass destruction.

58. In Myanmar, where serious violations of human rights continued, progress would be impossible in the absence of a genuine political dialogue between the military authorities and the opposition. While the Cambodian authorities' desire to pursue reconciliation and accountability was understandable, the issue of human rights violations by the Khmer Rouge remained to be addressed. It was to be hoped that recent political developments in Iran would result in the strengthening of civil society, but the treatment of religious minorities continued to be a matter of concern.

59. New Zealand continued to be concerned about the continuing conflict between ethnic groups in Kosovo and about the attacks against Serb and other minorities. The imprisonment of ethnic Albanians in Serbia on political grounds was also a clear abuse of human rights. New Zealand strongly supported the work of the International Criminal Tribunal for the former Yugoslavia.

60. The urgent efforts of humanitarian agencies to bring relief to the thousands of displaced persons in various parts of Africa, particularly Sierra Leone, where New Zealand had two Defence Force Officers serving as observers in UNAMSIL, the Great Lakes region, including the Democratic Republic of the Congo, and Nigeria deserved full support. His Government also welcomed the Security Council's decision to set up the United Nations Mission in the Democratic Republic of the Congo (MONUC) and extend its size and mandate.

61. There had been encouraging progress by countries in the Asia Pacific region to promote regional human rights arrangements and he welcomed the recent establishment of a national human rights commission in Fiji.

62. Mr. HADZIMUSIC (Observer for Bosnia and Herzegovina) said that, since the cessation of hostilities and the signing of the Dayton Peace Agreement, the process of reconstruction in his country had been moving in a positive direction. Both entities in the Government were involved in programmes of social, economic, political, security and stabilization issues and the impending entry of the country into the Council of Europe had been placed uppermost among its foreign policy priorities. Members of the Presidency had signed the New York Declaration at the close of 1999, harmonizing their positions on many important issues, and significant progress had been made in the reorganization and reform of the police forces, which were becoming more multi-ethnic. Despite the declared commitment of all political parties to the Dayton Agreement, progress in ensuring the return of refugees and displaced persons remained slow and unsatisfactory. The principal obstacles were lack of security, unemployment and disrespect of property laws. The few cases of violence directed at returnees were also cause for serious concern to both entities. The international community should insist on the implementation of the relevant Security Council resolution and it was essential to accelerate the process of apprehending all those indicted for war crimes. International donors' efforts had made a valuable contribution to the reconstruction of schools, hospitals and other important facilities, such as electric grids and numerous bridges and roads.

63. Economic problems nevertheless continued to be serious and could not be solved without such measures as privatization and the attraction of foreign investment. Some progress had been made in tracing missing persons, but the fate of 20,195 was still unknown. Landmines were still constantly claiming victims and slowing down the return of refugees and displaced persons. There were many national organizations engaged in the advancement of human rights and particular attention had been given to the training of experts in that field. His Government greatly appreciated the international assistance received, including the efforts of the Special Rapporteur. Such assistance was indispensable, particularly concerning the regional approach to the return of refugees and displaced persons. Much was also to be hoped from the Security Pact for South-East Europe, through which the harmonization of legislation, the establishment of protection mechanisms for human rights and the establishment of the rule of law could be best promoted.

64. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the slogan of the Iranian people at the time of their revolution had been "Independence, freedom, Islamic Republic". In the first decade, the main objective had been preservation of the political independence and territorial integrity of the country. Since the beginning of the second decade, the Government and people had set out on the path of strengthening fundamental freedoms and the Islamic Republic. The results of presidential and parliamentary elections reflected an indigenous evolution resting on a solid basis of grass roots support.

65. His Government's efforts during the past year to strengthen human rights and consolidate democracy were evidenced in a number of achievements: nationwide elections to local councils had been held for the first time and the sixth round of parliamentary elections, held in February 2000 with the participation of approximately 110 parties and associations and the

greatly increased participation of female candidates, had attracted a turn-out of more than 70 per cent of eligible voters; commitment to the rule of law had been demonstrated by the trial in open court of the former Chief of Police of Tehran, and the arrest of the Deputy Intelligence Minister; many new human rights organizations, including NGOs, had been established; a high-level council to ensure the full implementation of the Constitution had been also established and the Islamic Human Rights Commission's charter had been amended and provision made for the inclusion of NGOs; the judiciary had continued its efforts to strengthen the rule of law, to review and reform current laws and to ensure due process in the administration of justice; a technical team from the Office of the High Commissioner for Human Rights had been invited to visit Iran and assess technical assistance needs in the field of human rights; the policy of mainstreaming women had continued to be vigorously pursued in national planning in the field of education, culture, health, social welfare and employment and over half the students enrolled in universities were women, who were also gradually taking over more and more high-ranking posts in the judiciary and in the executive branch; significant progress had been made in promoting freedom of expression, of the press and of association; and the Council of Expediency had approved new rules affirming the equality before the law of all Iranian citizens, including those not among the followers of the four constitutionally recognized religions, regardless of race, language and ethnicity.

66. In view of the continued improvements in the human rights situation in Iran, its continued inclusion in the Commission's agenda had no basis and would send the Government and people a negative signal. He was certain that further marked improvements in the political system, including the strengthening of democratic institutions, would shortly become apparent and he urged all those with a deep interest in Iran, including Governments, to view its situation realistically and encourage those dynamic developments to proceed.

67. Mr. NSEIR (Observer for the Syrian Arab Republic) said that Israel's continued occupation of southern Lebanon and the Western Bihar in flagrant violation of the principles of international law, the Universal Declaration of Human Rights and Security Council resolution 425 (1978), was accompanied by daily bombing that deliberately targeted schools, clinics and essential parts of the infrastructure of Lebanon. The result had been the death and injury of many innocent civilians, the displacement of thousands of families and the destruction of homes and property. His delegation urged the Commission to condemn such practices and to call on Israel to allow the International Committee of the Red Cross to visit detainees and to allow access to them by their families. All Israel's claims to seek peace were spurious and belied by its actions on the ground. If it was sincere, it would have to withdraw completely from South Lebanon, the Western Bihar and the Syrian Golan.

68. His delegation expressed its regret that the statement made on behalf of the European Union should have quoted stale allegations of human rights violations in Syria, that had been often rebutted.

69. Mr. NAZARIAN (Observer for Armenia) said that his delegation was concerned by the lack of progress in resolving the grave problems caused by the human rights situation in Cyprus and it associated itself with others that had called for the restoration of the fundamental human

rights not only of Greek Cypriots, but also of Maronites, Armenians and other minorities, and the preservation of their cultural heritage, which was being plundered and destroyed, as in the case of the Saint Makar Armenian Monastery.

70. General Assembly resolution 32/130 stressed the urgency of finding solutions to gross and flagrant violations of human rights, in which connection he emphasized the importance of the timely identification of those responsible, whether Governments or individuals. Experience had shown that impunity led to the repetition of such crimes. He therefore particularly welcomed the Commission's initiatives to create effective legal mechanisms to achieve those objectives and supported the spirit of General Assembly resolution 37/200 requesting the Commission to continue its efforts to improve the capacity of the United Nations system in that regard.

71. As a country in transition, Armenia was sparing no effort to build a new society governed by the rule of law and based on unconditional respect for human rights.

72. Mr. KRISAFI (Observer for Albania) said that his delegation had been surprised by the highly politicized statement made at the 14th meeting by the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (E/CN.4/2000/39). In saying that the situation in Kosovo was worse than it had been a year previously, he had been forgetting the expulsion of over 1 million Albanians, many across the mountains, the deaths of over 10,000, the imprisonment and torture of several thousand more and the tens of thousands of houses burnt down or destroyed. His statement had been in stark contrast with the objective reports of the High Commissioner for Human Rights. It was outrageous that the current tragic situation of the Kosovar people should be regarded as entirely normal and that a return to that condition should be expected in the brief period of eight months since they had come back to their homes to find them in ruins and their loved ones dead. That same people, now so harshly criticized had preserved an exemplarily pacific attitude throughout the preceding 10 years that had been "rewarded" by the expulsions and massacres inflicted on it by the Milosevic regime. Concern for the protection of the rights of the Serb minority should not distract attention from the fact that criminals were still at liberty and in positions of power. It was the international community, of which the Special Rapporteur spoke so condescendingly, that had defeated Milosevic and made it possible for the survivors of Albanian families to set about building a new life in their country. The Special Rapporteur and others like him should, rather, have seen that defeat as a victory for the international community over State crime. That was why Albanians were profoundly grateful to it and to KFOR assistance in the re-establishment of normality. The proper target for the Special Rapporteur's aversion would have been Milosevic, the pitiful and isolated tyrant of the Balkans.

73. His delegation reaffirmed its opposition to the lifting of sanctions against Serbia, as recommended by the Special Rapporteur. The fiction of a "Greater Albania" had been concocted by the Belgrade leadership in an attempt to divert attention from those really responsible for the problems of the region.

74. Mr. KARAÏTIDIS (Observer for Greece) said that, 25 years after the Commission had adopted its first resolution on Cyprus, the deplorable human rights situation there was still unremedied. Notwithstanding all relevant Security Council resolutions, 37 per cent of Cyprus

territory remained under Turkish occupation and nearly 200,000 refugees were denied the right to return to their homes. Of the 20,000 Cypriots and Maronites who had chosen in 1974 to stay in the area occupied by Turkey, only about 600 remained. In an effort to alter the demographic balance of the island, over 100,000 Turkish settlers had been illegally implanted in occupied Cyprus, while the genuine Turkish Cypriot population, forced to emigrate because of conditions prevailing in the north, was constantly decreasing. The cultural heritage of the occupied areas was also being systematically destroyed, particularly Christian churches and other monuments.

75. Nevertheless, some prospect of hope had been opened up by the recent rounds of intercommunal talks in New York and Geneva and it was encouraging that, in recent resolutions, the Security Council had reaffirmed that the status quo was unacceptable. He repeated that Greece would continue to support the efforts of the Secretary-General for a just solution of the Cyprus problem which would ensure peace and security and respect for human rights in a free and united Cyprus.

76. Mr. VAHABZADA (Observer for Azerbaijan) said that the war being waged against Azerbaijan by its neighbour State was an illustration of the increasingly common violation of human rights by States, including threats to the sovereignty and territorial integrity of independent countries. Since the resettlement of Armenians in Transcaucasia in the first half of the nineteenth century, genocide inspired by dreams of a "Greater Armenia" had been repeatedly committed against the Azerbaijani people. The winter of 1988 had witnessed a further escalation of ethnic cleansing which had been approved by the Armenian authorities, and during which the last 200,000 Azerbaijanis had been deported with many deaths, particularly of children, women and elderly people.

77. The prologue to armed aggression against Azerbaijan had been the anti-constitutional acts of separatist groups supported by Armenia, whose Parliament had, on 1 December 1989, adopted a resolution "on the reunification of Armenia and Nagorny Karabakh". Since 1992, when Armenian forces had seized the town of Khojaly, 20 per cent of the total territory of Azerbaijan had been under military occupation and there had been an influx of about 1 million refugees into the remaining Azerbaijani territory - an occupation that had been condemned by four Security Council resolutions calling for the withdrawal of all occupying forces. His Government called on the international community to promote peace negotiations more actively as a basis for the progressive development of the States of the Southern Caucasian region.

78. Mr. DRAGANOV (Observer for Bulgaria) said that, despite repeated attempts to resolve the issue on a bilateral basis, the grievances of the Bulgarian national minority in the Federal Republic of Yugoslavia, particularly in the southern region of Serbia, had found no adequate solution. Bulgarian national minority leaders had been drafted into the Yugoslav army and constant pressure and intimidation aimed at the assimilation of the minority had restricted the exercise of its constitutionally guaranteed rights, such as the use of the mother tongue and manifestations of cultural identity. Contacts of the minority with Bulgaria were also being hampered and humanitarian relief blocked. His delegation believed that the international community should be actively involved in the solution of those problems as a contribution to the building of tolerance and mutual trust among the national minorities of the Federal Republic of Yugoslavia, which were essential to the future democratization and prosperity of the country and of the region as a whole.

79. Mr. MORA SECADE (Centro de Estudios Europeos) said that agenda item 9 was a clear example of the selectivity affecting the Commission's work. The country-by-country analysis focused exclusively on problems of civil and political rights and fundamental liberties while ignoring the responsibility of colonizers and neo-colonialists and shifting all responsibility on to those at present in power. The interdependence of human rights was overlooked and economic, social and cultural rights neglected.

80. Agenda item 9 was in fact being used to put pressure on countries of the South for the purpose of obtaining political and economic advantages and to justify policies that violated international law, as in the case of the draft resolution on Cuba submitted by the delegation of the Czech Republic - which would be better occupied dealing with racism and xenophobia in its own country against the Roma. The appointment of a Special Rapporteur was not the way to achieve closer cooperation between the Cuban Government and the Commission, which could be based only on respect for Cuban self-determination and sovereignty. When the American blockade was condemned and a Special Rapporteur appointed to investigate the human and material damage suffered by the Cuban people, then and only then would it be possible to win credibility with the Cuban people. Cuba would never give up the right to defend itself. In view of the previous year's report by Amnesty International on the deplorable human rights situation in the United States, which was one of the countries that had signed and ratified the smallest number of human rights conventions and agreements, as could be seen from document E/CN.4/2000/NGO/86 submitted by the American Association of Jurists, would it not be reasonable to ask for the appointment of a special rapporteur to assess the situation in that country?

81. Ms. BONINO (Transnational Radical Party) drew the Commission's attention to grave and systematic violations of civil and political rights in Italy, which had been repeatedly censured by the Council of Europe for infringements of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Even more serious was the threat to the exercise of the fundamental right to information and of democratic voting rights. Free competition did not exist in either the private or public sector of the Italian media. As to the electoral system itself, the rules governing the presentation of candidates were violated with impunity, the existing legislative jungle being so complicated that it obliged candidates either to give up standing for election or to resort to fraud.

82. Her party called on the Commission to investigate violations in Italy of international human rights commitments and to impose appropriate sanctions. The Italian situation should also be placed on the agenda for discussion by the Sub-Commission and by the Commission itself in accordance with the procedure established by Economic and Social Council resolution 1235 (XLII).

83. Mr. TIN MAUNG AYE (Observer for Myanmar) said that it was most regrettable that the 277th session of the ILO Governing Body had adopted recommendations for submission to the 88th International Labour Conference on drastic measures to be taken against Myanmar under article 33 of the ILO Constitution. That action was entirely unjust and unreasonable and any activities that might follow from it were totally unacceptable to his Government. It was

heartening to note that a number of countries, including ASEAN members, had expressed their reservations, taking the view that, instead of criticizing and trying to isolate Myanmar, the door should be kept open for a satisfactory resolution of the issue.

84. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation categorically rejected the allegations made by the representative of Canada, which were simply a repetition of familiar and unwarranted accusations without relevance to human rights. They were a clear example of the application of double standards incompatible with the principles of international human rights cooperation. Canada had intentionally distorted realities and taken sides with hostile forces seeking to defame the Democratic People's Republic of Korea. He called on the Canadian delegation to cease such acts of the politicization of human rights and to conform to the principles of objectivity and impartiality.

85. Mr. NEGROTTO CAMBIASO (Italy), replying to comments made by the representative of the Transnational Radical Party and referring to pre-election procedures and the right of access to the media, said that his delegation would shortly be making available to participants in the Commission's session comprehensive documentation covering the issues raised. It would include the relevant legislative texts and enable all interested persons to make an unbiased evaluation of the allegations against Italy.

86. As to the point that had been raised about relations with the Council of Europe, his Government was currently engaged in introducing measures to shorten the duration of court proceedings. They included the unification of the role of judges; the creation of specific departments to eliminate pending procedures, previously regulated by the civil procedural code; the employment of justices of the peace, whose number already exceeded 12,500; the reform of the penal law for minor offences, including attributing criminal jurisdiction to justices of the peace; and the introduction of a bill providing for internal sanctions to remedy infringements of the right to trial within a reasonable period of time.

The meeting rose at 9.15 p.m.